

**Jury Committee  
Judicial Conference of Indiana**

March 7, 2003  
Minutes

1. Members present. The following members of the committee were present: Craig Bobay, Sheila Carlisle, Mark McIntosh, John Pera, Jeffrey Heffelfinger, Michael Peyton, Kenneth Scheibenberger, Diane Kavadias Schneider, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the committee with staff assistance.
3. Approval of minutes. The committee approved the minutes from the January 10, 2003 meeting.
4. Orientation Sub-Committee Report. Judge Scheibenberger reported that the sub-committee decided to create an Indiana specific juror orientation video, which would be about 10 minutes in length. Judge Scheibenberger also reported that the sub-committee discussed the six proposals received and determined that additional proposals were not needed. The sub-committee also decided to conduct two interviews based on the proposals and will have a final recommendation by the May meeting. Judge Yelton indicated that the sub-committee would be asking for volunteers from the Committee to assist with different areas of this project.
5. Rule 2 Sub-Committee Report. Judge Pera reported that the sub-committee met with Bob Mount of JTAC and the IU student representative in February to discuss supplemental lists and jury management system issues. Judge Pera indicated that we currently have access to the BMV and Voter Registration lists and that there are still ongoing discussions with the Department of Revenue regarding confidentiality.

Judge Pera raised several issues for the Committee to discuss. First, how far does the Committee want to go in contacting utility companies to obtain supplemental lists? Judge Pera reported that the sub-committee has been contacting the large utility companies and in the meeting of the sub-committee Bob Mount had indicated that the BMV, Voter Registration, and Department of Revenue lists would probably include 95% of eligible persons. The Committee discussed the importance of Rule 2 and the impact on diversity in Jury Pools. Committee members also asked if State ID card information could be obtained from the BMV and whether public assistance records or professional licenses records could be accessed for supplementing the jury pool. The Committee decided to continue to work with the BMV, Voter Registration, and Department of Revenue to develop supplemental list for jury pools by the end of this year. Second, Judge Pera indicated a move toward a central depository for supplement list information, but is not sure whether it would be housed in State Court Administration or JTAC. The advantage of this would be to eliminate the need for individual counties to contact these entities and the entities would only have to provide the information one time. The Committee discussed this issue and would recommend that the central depository would be house in either State Court Administration or JTAC. Third, if the central depository

were established by the end of the year, the sub-committee would want to recommend that the Supreme Court sanction the list provided by the central depository to comply with Rule 2. The Committee agreed with this recommendation.

Also, Judge Pera discussed a conversation he had with the Clerk in the Federal Court (Northern District of Indiana) regarding jury pool issues. Judge Pera was approached to see if we would be able to share our jury pool information with the Federal Court. Judge Yelton indicated that the Clerk in the Southern District also had similar concerns regarding jury pools. The Committee discussed the benefits and drawbacks of this joint effort. The Committee agreed to discuss this issue with the Supreme Court and if appropriate, would be willing to work with the Federal Courts on this issue.

Judge Pera also reported that a survey has been distributed concerning jury pool and jury management systems and that the students will be making a recommendation as to features that need to be included in a jury management system. The IU students' final report to JTAC will be on May 2<sup>nd</sup>.

6. Draft Rule Amendments. The Committee's proposed amendments to Rules 1 and 26 have been sent to the Supreme Court and we will not hear anything on these for some time. The Committee also reviewed a proposed amendment to Rules 7 and 8 regarding deferrals and documentation. The Committee approved the draft proposal as written and the proposal will be submitted to the Supreme Court.

The Committee also discussed Rule 9 regarding term of service. Judge Yelton and Michelle reported to the Committee that a draft was not distributed because we still needed to clarify some points raised at the last meeting. The Committee agreed to remove "jury selection is completed" from section (a) and insert "released by the judge from the summons". Also, the Committee decided to insert a paragraph regarding jury service and the ability to serve in any court within the county where jurors are needed. The Committee requested that Michelle draft this proposal and submit it to the Committee via email for approval so it can be sent to the Supreme Court before the end of April. The Committee requested that Michelle also prepare language to Rule 9 regarding jury service and when jurors can be recalled for service for further discussion in May.

The Committee also reviewed a proposed change to Rule 25 that is pending before the Supreme Court Rules Committee. The Committee approved this proposal and a letter will be sent to the Rules Committee on behalf of this Committee.

The Committee also discussed the rules regarding instructions and a letter from Marion Co. regarding their concerns. The Committee decided that the issues are premature and that the Committee would not recommend a change in the rules at this time. Judge Carlisle objected to this position and noted that the ability to use technology would help to determine the best way to satisfy these rules.

7. Form for Juror Questions. The Committee reviewed two forms for juror questions and decided to provide a sample form. The Committee decided to have the witnesses name listed in the court section of the form and to refer to jurors by number. Michelle was asked to revise this form and prepare it for publication.

8. Questions and Answers for publication. The Committee reviewed the questions and answers prepared for publication and approved them as written. These questions and answers will be placed on the web cite and a letter will be sent to judges on behalf of the Committee.
9. Discussion of Questions held by the Committee and new questions. The Committee addressed five questions that were previously held by the committee. The answers developed by the Committee will be prepared for publication. The Committee decided to continue to review the remaining questions received at the next meeting.
10. Qualification, Exemption, and Deferral form. The Committee discussed the revised form and agreed to change the “order” to “authorization”. The Committee approved the form as amended.
11. Committee Projects. The Committee discussed the list of projects presented in September 2002. The Committee asked that juror stress be added to the list of projects. The Committee was asked to begin to think about the legislative agenda. Michelle was asked to begin to review the statutes for the Committee. The Committee also added participation by alternate jurors, unanimous verdicts, and discussing the evidence before deliberations to the project list.
12. Other Business. The Committee discussed a letter received from Judge Lorenzo Arredondo regarding jury instructions on juror questions. The Committee agreed that the response would be that instructions are within the province of the Instruction Committees. Judge Yelton will send a letter with the agreed response.
13. Next Meeting. The next meeting is scheduled for Friday, May 9, 2003 at 11:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman